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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,152	11/27/2001	Brad E. Parlee	GEN-0312	5975

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EXAMINER

LEJA, RONALD W

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,152

Applicant(s)

PARLEE ET AL.

Examiner

Ronald W Leja

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. *hand drawn*
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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A Status Request was received on 5/27/03.

Claims 15 and 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 is confusing in that it recites language drawn to cooperation with an outlet receptacle, however, Claim 11 is for use with a service line within an electrical distribution panel. Claim 17 is confusing with the open-ended language "panelboard or the like".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 1-7, 10-14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham (5,625,863) in view of Dickens et al. (5,825,598).

Abraham discloses bandpass filtering across the phase lines of an electrical distribution system so as to allow for data/communication through the AC power lines. See Figures 7, 22-26 and 35. See also Column 6, lines 60-65 and Column 7, lines 35-42 for Claims 6, 10, 16 & 22. Abraham does not disclose details about the housing, terminals and for Claims 2, 12 & 18, the use of surge arrester circuitry. Dickens et al. teach the use of surge arrester circuitry with an electrical distribution system, an electrical distribution panel and multiphase load center. Further taught is the use of a housing to house both surge arrester circuitry and filtering circuitry (see Figs. 2b, 4a and 4b). In Figure 2b, connection of housing (22) to the panel is shown; Fig. 4a illustrates the stabs (J1, J2) high potential terminals and low potential terminal (19) and Fig. 4b illustrates the combined surge arrester circuitry (section 1) along with filtering circuitry (section 2). It would have been obvious to incorporate the teachings of Dickens et al. as a means to conveniently provide not only bandpass filtering for communication within a residence across the AC power lines, but to also house the bandpass filtering along with the arrester protection within a single housing easily attached at the panelboard within a residence, thereby easing implementation of AC power line communication and increasing protection from transients.

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Claims 8, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham in view of Dickens et al. and Cooper et al. (4,630,163).

These set of claims are drawn to a housing for use at a conventional wall outlet. Abraham is more concerned with implementing cable television/video distribution within a house. Dickens et al. is concerned with protection at the panelboard. Cooper et al., however, illustrate (Fig.s 1-3) arrester protection and filtering within a housing for applications at a conventional wall outlet. It would have been obvious to incorporate the teachings of Cooper et al. as a means to obtain the ability to communicate over the power lines, via bandpass filtering/coupling, from an appliance located at the wall outlet. Such is useful when an appliance needs to transmit its power requirements to the panelboard for possible load shedding procedures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W Leja whose telephone number is (703)308-2008. The examiner can normally be reached on mon-fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3432 for regular communications and (703)305-3431 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3675.


Ronald W Leja
Primary Examiner
Art Unit 2836

rwl
June 30, 2003

